

REMARKS

Claims 1, 2, 5, 7 and 8 have been amended. Claims 3-4, 6 and 9-13 have been cancelled.

The Examiner has rejected applicant's claim 8 under 35 USC 101 because the claimed invention is directed to non-statutory subject matter, i.e. program is non-statutory subject matter. Applicant has amended claim 8 to recite a computer-readable storage medium for storing a program and believes that claim 8, as amended, is directed to statutory-subject matter. Accordingly, applicant believes that applicant's amended claim 8 is now in compliance with 35 USC 101 and that the Examiner's rejection has been respectfully traversed.

The Examiner has rejected applicant's claims 1-13 under 35 USC 102(e) as being anticipated by the Earl, et al. (U.S. Pat. No. 6,966,058) patent. Applicant has cancelled claims 3-4, 6 and 9-13, thereby obviating the Examiner's rejection with respect to these claims. Applicant has amended applicant's independent claims 1, 5 and 7, and with respect to these claims, as amended, and their respective dependent claims, the Examiner's rejection is respectfully traversed.

Applicant's independent claim 1 has been amended to recite a terminal apparatus connected to a network to which a management apparatus is connected, the terminal apparatus comprising: reception means for receiving a program execution quit instruction which is transmitted from the management apparatus or another terminal apparatus connected to the network, quitting means for quitting a program which has been executed and is designated by the received program execution quit instruction, informing means for informing the management apparatus that the program was quitted by the quitting means, search means for searching for a second terminal apparatus which is connected to the network and has not

received the program execution quit instruction, and transfer means for transferring the received program execution quit instruction to the second terminal apparatus. Applicant's independent claim 7 has been similarly amended.

Applicant's independent claim 5 has been amended to recite a system comprising a management apparatus and a plurality of terminal apparatuses, which are connected to a network, the management apparatus comprising generation means for generating a program execution quit instruction, and transmission means for transmitting the generated program execution quit instruction to one of the plurality of terminal apparatuses, and each of the terminal apparatuses including the features recited in applicant's amended independent claim 1.

The constructions recited in applicant's amended independent claims 1, 5 and 7 are not taught or suggested by the cited art of record. In particular, the Earl, et al. patent fails to teach or suggest informing the management apparatus that the program was quitted, after quitting the program designated by a received program execution quit instruction, searching for another, or second, terminal apparatus which is connected to the network and has not received the program execution quit instruction, and transferring the received program execution quit instruction to the second terminal apparatus.

The Earl, et al. patent discloses a system for managing software upgrades in a distributed computer system which includes a plurality of nodes connected by an interface and an SMS/boot server for management of services such as starting, stopping and rebooting of the nodes and management of software upgrades in the nodes. Abstract; Col. 3, lines 26-56; Col. 4, lines 4-13. In the Earl, et al. patent, software upgrades are initiated and carried out by the SMS/boot server in a sequential node-by-node manner, without shutting down or disrupting the system and its services during the upgrade process. Col. 5, lines 37-47. In particular, Earl, et al.

discloses that after receiving a software upgrade, the SMS/boot server determines whether the upgrade is compatible with the software on the system and/or whether a request to upgrade to compatible software is in progress, and if the software is not compatible and no upgrade to a compatible software release is in program, the SMS/boot server terminates the upgrade procedure. Col. 8, lines 23-34. Earl, et al. also discloses that when the SMS/boot server performs rolling software upgrades, the SMS/boot server begins with a first node and upgrades the first node by determining whether the first node is running the active/new release of the software by checking a central database, determining whether the first node has been “protected” if the first node is not running the active release, and, if the first node has not been protected, loading the new software release onto the node and rebooting it. Col. 8, line 57-Col. 9, line 53. After upgrading the first node, the SMS/boot server proceeds to the next node in the system and repeats the upgrade steps. Col. 9, lines 61-65. When all of the nodes are running the active/new release of the software, the upgrade procedure is terminated. Col. 10, lines 16-19.

Thus, the Earl, et al. patent only discloses a management apparatus, i.e. SMS/boot server, connected to a plurality of terminal apparatuses, i.e. nodes, wherein the management apparatus manages the services (starting, stopping and rebooting) of the terminal apparatuses and software upgrades in the terminal apparatuses so as to upgrade the software on all of the terminal apparatuses on a terminal-by-terminal basis. Although Earl, et al. mentions that the management apparatus controls the stopping and rebooting of terminal apparatuses and discloses in detail the steps of updating of the software in each of the terminal apparatuses, the Earl, et al. patent is completely silent as to receiving and carrying out a program execution quit instruction in a terminal apparatus and as to any processes that occur in the terminal apparatus or in the management apparatus after the terminal apparatus receives the program execution

quit instruction. Therefore, the Earl, et al. patent does not, and cannot, teach or suggest the terminal apparatus informing the management apparatus that the program was quitted, after the terminal apparatus quits the program designated by the received program execution quit instruction, and the terminal apparatus searching for a second terminal apparatus which is connected to the network and has not received the program execution quit instruction.

Moreover, the Earl, et al. patent does not mention any of the terminal apparatuses, i.e. nodes, searching for another terminal apparatus connected to the network based on certain criteria and transferring an instruction to the other terminal apparatus. Instead, Earl, et al. merely discloses that the management apparatus, i.e. SMS/boot server, after upgrading the first terminal apparatus, moves on to the “next” terminal apparatus in the system, and only discloses the management apparatus sending or transferring of instructions to other terminal apparatuses. Col. 9, lines 61-65. Thus, the Earl, et al. patent also does not teach or suggest the terminal apparatus searching for a second terminal apparatus which is connected to the network and has not received the program execution quit instruction and transferring the received program execution quit instruction to the second terminal apparatus.

Accordingly, applicant’s amended independent claims 1, 5 and 7, each of which recites the terminal apparatus receiving a program execution quit instruction, quitting a program which has been executed and is designated by the received program execution quit instruction, informing the management apparatus that the program was quitted and searching for a second terminal apparatus which is connected to the network and has not received the program execution quit instruction, and their respective dependent claims, thus patentably distinguish over the Earl, et al. patent.

In view of the above, it is submitted that applicant’s claims, as amended, patentably

distinguish over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested.

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Respectfully submitted,

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